

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
UNITED STATES IMMIGRATION COURT  
CHARLOTTE, NORTH CAROLINA

SCHEDULING ORDER GOVERNING )  
CUSTODY REDETERMINATION ) March 29, 2019  
HEARINGS BEFORE THE HONORABLE )  
V. STUART COUCH )  
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This Order shall apply to all Respondents who, through counsel, have filed a request for a custody redetermination hearing, known locally as a “bond hearing.” *See* EOIR Immigration Court Practice Manual, paragraph 9.3(e). At the time of their request, Respondent was detained by state law enforcement authorities located within the geographical area over which the Charlotte Immigration Court has administrative control. 8 C.F.R. § 1003.11.

In response to their request, Respondent’s case is scheduled for a hearing in the Charlotte Immigration Court which is a non-detained docket, and presently without the capability for Respondent to be present either in person or by video teleconference. The Court routinely declines to hear such cases as Respondents are unable to meaningfully participate in custody redetermination proceedings conducted by it. *See Matter of Cerda Reyes*, 26 I&N Dec. 528, 530 n.7 (BIA 2015) (citing 8 C.F.R. § 1003.19(c)) (alien cannot “force” jurisdiction merely by the filing of a motion). The undersigned Immigration Judge is responsible for the fair adjudication of the individual cases on the docket, and authorized to exercise independent judgment and discretion to take any action that is appropriate and necessary for the disposition of such cases. 8 C.F.R. § 1003.10(b).

The Court finds it is appropriate to require the physical presence of counsel in all scheduled custody redetermination hearings; telephonic and “on behalf of” appearances are therefore not authorized. 8 C.F.R. §§ 1003.16(b), 17(a), 25(c); EOIR Immigration Court Practice Manual, paragraphs 2.3(j), 9.3(e). All motions to withdraw or substitute counsel, or to withdraw requests for custody redetermination, shall be filed in writing no later than 24 hours before the scheduled hearing, otherwise counsel are expected to appear in person. 8 C.F.R. §§ 1003.17(b), 31(c); EOIR Immigration Court Practice Manual, paragraph 2.3(i).

SO ORDERED.



V. STUART COUCH  
United States Immigration Judge  
Charlotte, North Carolina